

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

W. 6 RESTAURANT GROUP LTD.,)	CASE NO. 1:17 CV 2521
d/b/a Barley House of Cleveland,)	
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
vs.)	
)	<u>MINUTES OF TELECONFERENCE,</u>
RICHARD BENGTON, et al.,)	<u>ORDER,</u>
)	and
Defendants.)	<u>SCHEDULING ORDER</u>

On or about November 30, 2017, Plaintiffs W. 6 Restaurant Group, Ltd. and Richie Madison filed a Verified Civil Complaint and Motion for Temporary Restraining Order in Cuyahoga County Common Pleas Court. The Verified Complaint alleges that Defendants Richard Bengtson and Alissa Butler, who have millions of followers across numerous social media platforms, used their online fame to engage in a cyber-bullying campaign against Plaintiffs, Barley House employees, and their patrons arising from an incident that occurred after hours at the Barley House on Sunday, November 26, 2017. The cyber-bullying campaign caused Defendants' fan base to harass and threaten Barley House employees and patrons. On November 30, 2017, the state court judge issued an *ex parte* TRO against Defendants that enjoined them from, among other things, (1) disseminating false or misleading information about the incident, (2) publishing any statements, videos, or images on social media platforms concerning Plaintiffs, their employees and patrons, (3) continuing to engage in their cyber-bullying and cyber-attack

campaigns, (4) being present within 500 feet of Barley House, and (5) having any type of contact with the Barley House and its employees.

On December 4, 2017, Defendants removed the case to federal court and filed an Emergency Motion to Dissolve Temporary Restraining Order. (Doc #: 3.) The Court held a hearing on Wednesday, December 13, 2017 which resulted in the parties entering a confidential settlement agreement addressing the injunctive aspect of the case, prohibited Defendants from making statements about the Barley House incident with the exception of several narrow and specific points, and gave the Court continuing jurisdiction to enforce the agreement's terms.

On December 20, 2017, Plaintiffs' counsel Adam Fuller contacted a member of the Court's staff to inquire what to file (e.g., a show cause motion) arising from Defendants' alleged violation of their agreement via a YouTube video. The Court scheduled a teleconference for counsel and clients at 2:15 p.m. The teleconference was attended by Plaintiffs Robert George and Richie Madison along with their Attorneys Congeni, Fuller and Miller, and Defendants Bengtson and Butler along with their Attorneys Cuppage and Sholder.

During the teleconference, Robert George stated that he had been forced to close the Barley House the previous night due to harassment and threats of violence arising from Defendants' latest video. The Court noted that, after watching 8 minutes of the video, it was clear that Defendant Bengtson had violated the parties' December 13 agreement. The Court initially scheduled a contempt hearing for December 22, 2017, but moved the hearing to January 3, 2018 at the request of Bengtson so he could visit his ill father. The Court ordered Defendant Bengtson to take the video down immediately, and prohibited him from saying anything further until the hearing on any media platform about the Barley House, either directly or indirectly.

Accordingly, the Court hereby schedules a formal contempt hearing in Room 18B of the Carl B. Stokes United States Court House on 801 W. Superior Avenue, Cleveland, Ohio beginning at **9:00 a.m. on Wednesday, January 3, 2018**. With the exception of Defendant Butler who does not appear to have engaged in conduct violative of the parties' agreement, counsel and clients must attend the hearing in person.

IT IS SO ORDERED.

/s/ *Dan A. Polster* *December 21, 2017*
Dan Aaron Polster
United States District Judge